

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3629 of 2016

ORDER:

This Criminal Petition is filed by the petitioner-accused No.2 under Section 482 Cr.P.C., seeking to quash order, dated 04.03.2016, in Crl.M.P. No.870 of 2016 in CC No.172 of 2013 passed by the Judicial Magistrate of First Class, Razole, East Godavari District, to the extent of depositing the passport.

The petitioner is arrayed as Accused No.2 in CC No.172 of 2013 for the offences punishable under Section 498-A, 494, 384 and 506(2) r/w.34 IPC and 3 & 4 of the Dowry Prohibition Act. The petitioner submits that earlier he has filed Crl.P.No.11062 of 2014 before this Court to quash the proceedings in the above CC. This Court while ordering notice, dispensed with the presence of the petitioner before the Court till 05.11.2014. The said case is pending before this Court and the petitioner could not get that interim order extended thereafter. Subsequently, the Court below issued NBW against the petitioner since the petitioner did not appear before the Court below on 03.03.2016. The petitioner approached the Court below on 04.03.2016 and filed the impugned application to recall the warrant issued against him. The Court below passed the following order on the said application on 04.03.2016:

“Heard, for the reasons stated, the petition is allowed as prayed for and further directed to furnish his passport within 15 days.”

Against the above order, the present Criminal Petition is filed.

Learned counsel for the petitioner submitted that the petitioner is working in Kuwait and if his passport is detained, he may lose his job and therefore, the order impugned may be suspended to the extent of depositing the passport and prayed for dispensing with the presence

of the petitioner before the Court below.

Considering the facts and circumstances of the case and also in view of the submissions of the learned counsel for the petitioner, this Court is inclined to pass the following order:

The order passed by the learned Judicial Magistrate of First Class, Razole, East Godavari District is set aside to the extent of depositing the passport of the petitioner. The presence of the petitioner before the Court below is dispensed with except on the dates when his presence is specifically required for the purpose of framing of charges and also for examination under Section 313 Cr.P.C., and he is directed to represent through a counsel before the Court below on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 17, 2016.
CTL